

1 CITY COUNCIL OF THE CITY OF ANNAPOLIS

2
3 ORDINANCE NO. 0-19-03

4
5 Introduced by Alderman Hammond
6 Alderman Tolliver
7 Alderwoman Hoyle
8 Alderman Cordle
9 Alderman Fox

10
11
12 AN ORDINANCE concerning

13
14 Required Public Hearings

15
16 FOR the purpose of amending the Code of the City of Annapolis to provide that an
17 additional public hearing will be held when an ordinance is substantively amended.

18
19 * * * * *

20
21 BY repealing and re-enacting, with amendments
22 Title 2
23 Chapter 2.16
24 Section 2.16.180 (a)
25 Code of the City of Annapolis
26 (1996 Edition and Supplement)

27
28 SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY
29 COUNCIL that a new subsection 2.16.180 (A) of the Code of the City of Annapolis shall be,
30 and it is hereby, added to Section 2.16.180, to read as follows and that subsections (A)
31 through (E) of Section 2.16.180 are renumbered subsections (B) through (F):

32
33 Section 2.16.180 Public Hearings

34
35 A. Public Hearing Required. The mayor shall schedule a public hearing on each
36 ordinance passed on first reading by the city council and on any resolution passed on first
37 reading for which a member requests a public hearing. The hearing shall be advertised as
38 required by law and shall be held within 48 days following its passage on first reading. If the
39 city council subsequently substantively amends an ordinance or resolution on which a
40 hearing has been held, final action shall be postponed until a second hearing has been held,
41 no later than 48 days following the initial hearing. For purposes of this subsection, the city
42 council shall determine by a vote of the majority of its members whether or not an
43 amendment is substantive.

44
45 AB. Appearance and Practice. An individual may appear in that person's own

1 behalf; a member of a partnership may represent the partnership; a bona fide officer or
2 representative of a corporation, trust or association may represent the corporation, trust or
3 association; and an officer or employee of a political subdivision or body or department may
4 represent the political subdivision, body or department. A person, firm or corporation may
5 be represented in any proceedings by an attorney at law admitted to practice before the
6 Court of Appeals of this state.

7
8 **BC.** Conduct of Hearings.

9
10 1. The mayor shall regulate the course of the hearing and shall rule upon
11 procedural matters and objections made during the course of the hearing.

12
13 2. All witnesses shall testify under oath to be administered by the mayor.

14
15 3. A hearing may be recessed or continued from time to time.

16
17 4. Testimony and evidence shall be presented in the following order:

18
19 a. Staff reports, if any;

20
21 b. Findings and recommendations of boards or commissions, if any;

22
23 c. Applicants;

24
25 d. Persons in favor of the application;

26
27 e. Persons in opposition to the application; and

28
29 f. Rebuttal.

30
31 5. In addition to the applicant, evidence and testimony either in favor of or in
32 opposition to the application may be presented by:

33
34 a. Owners of property within the city;

35
36 b. Taxpayers of the city;

37
38 c. Residents of the city;

39
40 d. Any other persons not identified above whose personal or property interests
41 may be specially affected by the granting or denial of the application; and

1 e. Attorneys at law and experts appearing on behalf of those persons listed
2 above.

3
4 6. Any person whose personal or property interests may be specially affected by
5 the granting or denial of the application may participate and have the same rights in the
6 hearing as are afforded to the applicant.

7
8 7. The use of any visual display or exhibit shall be conducted in such a manner
9 as to be viewed by the city council and, to the extent practicable, by the audience.

10
11 ~~C~~D. Evidence.

12
13 1. The mayor may admit evidence which possesses probative value commonly
14 accepted by reasonable and prudent persons in the conduct of their affairs. The mayor shall
15 give effect to the rules of privilege recognized by law. The mayor may exclude incompetent,
16 irrelevant, immaterial and unduly repetitious evidence.

17
18 2. Documentary evidence may be received in the form of copies or excerpts, or
19 by incorporation by reference. However, no documentary evidence may be received unless
20 it is presented to the city clerk to be identified and marked as an exhibit in the proceedings.
21 Where possible, a copy of each item of documentary evidence shall be provided for public
22 inspection no later than the time of its introduction before the city council.

23
24 3. A count of those in attendance who support or oppose an application shall not
25 be taken. A written listing or petition of those persons who state general support or
26 opposition to a pending application is not admissible.

27
28 4. With regard to an application for approval of a special exception, the city
29 council shall provide a period of not more than seven days following the public hearing
30 during which any person may submit comments regarding the application. The comments
31 shall be in typewritten form and shall be filed with the city clerk together with ten copies. The
32 person submitting the comments shall forward a copy to the applicant and shall certify the
33 date and manner of delivery. Following the comment period, the applicant shall have a like
34 amount of time to submit rebuttal comments. These comments shall also be in typewritten
35 form and filed with the city clerk together with ten copies.

36
37 ~~D~~E. Decision. Action by the city council with regard to any matter upon which a
38 public hearing has been conducted in the exercise of the city council's authority to zone or
39 rezone property, to consider applications relating to the use of land, or to consider matters
40 related to alcoholic beverage licenses, shall not be taken sooner than at a special meeting
41 called for that purpose or at the next regular meeting of the city council. Prior to acting upon

1 an application for approval of a special exception, and unless a majority objects, the city
2 council shall resolve itself into a committee of the whole to consider the findings, conditions
3 and other matters related to the application.
4

5 **EF.** As used in this section, the term "applicant" includes a "petitioner," "appellant,"
6 or a "licensee" as the case may be, and the other provisions of this section shall be
7 interpreted accordingly in consideration of the type of matter being heard.
8
9

10 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
11 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its
12 passage.
13

14 **ADOPTED** this 13th day of October, 2003.
15
16
17
18

19 **ATTEST:**
20
21
22

THE ANNAPOLIS CITY COUNCIL

23 _____
24 **Deborah Heinbuch, CMC/AAE**
25 **City Clerk**

BY: _____
ELLEN MOYER, MAYOR